

FILED

AO 91 (Rev. 11/11) Criminal Complaint

JUN 04 2015

UNITED STATES DISTRICT COURT

for the

Western District of Texas

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *mg* 6/7/15

United States of America)

v.)

Michael Dennis HALL, Jr.)

Case No. *EP-15-M-1942-RFC.**Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 07/20/2014 - 06/03/2015 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:*Code Section*

18 USC section 2252(a)(2)

Offense Description

Knowingly received or distributed any child pornography that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

This criminal complaint is based on these facts:


See Attached Affidavit

☒ Continued on the attached sheet.
Complainant's signature

Joshua Conrad, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 06/04/2015
*Judge's signature*City and state: El Paso, Texas

Robert F. Castaneda - U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

On June 3, 2015, at approximately 0556 hours, Homeland Security Investigations (HSI) El Paso, Cyber Crimes Group (CCG) and El Paso County Sheriff's Deputies executed a federal search and seizure warrant at a residence in western El Paso, County, in the Western District of Texas. Michael HALL, Jr. was encountered by HSI Special Agents in the driveway of the residence. HSI Special Agents seized various items including two (2) laptop computers and various electronic media.

On that same date, HSI Special Agents Conrad and Fyffe conducted an interview with HALL. SA Conrad advised HALL of his Miranda rights in the English language. HALL acknowledged that he understood his rights, and agreed to be interviewed without the presence of an attorney. During the interview HALL made the following non-verbatim statements:

HALL stated that he had two laptops in his second floor office. HALL stated that he used the peer to peer software uTorrent to download books. When asked if he downloaded or shared any child pornography, HALL stated, "No comment". HALL then stated that agents would not find any child pornography on his laptops. At this point, HALL stated that he thinks he would like an attorney. Agents immediately stopped the interview.

HALL re-engaged conversation with the Agents and asked what would happen to him if he was forthcoming. HALL then stated to Agents, "Alright so I downloaded things once in a while". Agents reminded HALL of his Miranda Rights and asked HALL if he wanted to continue talking to Agents, to which HALL responded, "Yes".

HALL stated that he downloaded child pornography sporadically and that he had started doing so about two (2) years ago. HALL stated he started downloading child pornography because he was bored and curious. HALL stated he would enter the search term, "LSM" into the Peer to Peer software, uTorrent. HALL stated that the majority of the material downloaded was pictures of naked pre-teens in sexually suggestive poses. HALL stated that he would get somewhat aroused looking at the naked pictures, and then stated, "I liked looking at it". HALL stated that he last downloaded CSE approximately three (3) days ago. HALL states he would save the files, look at the images, then delete them by moving the files to the recycle bin. HALL acknowledged that once he downloaded the files, they were available for sharing.

An on-site forensic analysis of a computer located in HALL's residence revealed files containing images/videos depicting the sexual exploitation of children. HSI SA Joshua Conrad and HSI SA Andrew Fyffe reviewed one (1) of these files and determined that it did contain child sexual exploitation material. The file viewed is described herein:

p_17.avi

The ten minute and sixteen second (10:16) video begins with a female child approximately ten (10) to twelve (12) years old wearing a red feathery boa around her neck. The female child is also wearing red bikini bottoms, a red top with laces up the front, a red headband, and white high heeled shoes. The scenery backdrop consists of green fake grass and trees with a fake stone arch, and a façade of a

gothic building. Pop music is heard in the background and a female voice is providing instructions to the female child in an unknown foreign language. In the audio of the video, the sound of a camera snapping pictures can be heard while a flash of light can be seen. It appears to be video footage of a photo shoot. The female child suggestively poses with a red and white skirt in various positions. Around one minute forty-eight seconds (01:48) a female taking pictures with a camera appears in the right side of the screen. At approximately three minutes and thirty-six seconds (03:36), the female child unstraps one side of her bikini bottoms and poses for the camera revealing her labia. At approximately four minutes and seven seconds (04:07), the female child removes her bikini bottoms and poses in multiple positions revealing her labia with no pubic hair and anus. Throughout the video the female child poses in various positions with no bottoms and spreading her legs to reveal her labia and anus.

HALL admitted to Agents that he smuggled a live grenade out of Iraq during one of his deployments in 2004. HALL alerted agents to the presence of the grenade in his gun safe. HALL agreed to provide a written statement, which confirmed his prior statements to Agents.